

REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-35 are currently active in this case. Claims 11, 13, 18, 19 and the specification have been amended, and Claims 22-35 have been added by way of the present amendment. All amendments, corrections, and additions are supported by the specification as originally submitted and no new matter has been added.

In the outstanding Official Action, Claims 1-5, 7-8, 10 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins-Rector et al.* (U.S. Patent No. 6,188,398). Claims 6, 11-18 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins-Rector et al.* in view of *Chang et al.* (U.S. Patent No. 6,715,126). Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over *Collins-Rector et al.* in view of *Hurwitz* (U.S. Patent No. 6,256,669). Claim 19 was rejected under 35 U.S.C. 102(e) as being anticipated by *Chang et al.*

Applicants respectfully traverse the rejection of Claim 1 under 35 USC 103(a) as being obvious over *Collins-Rector*.

Claim 1 recites:

1. (Original) A method of producing a rich media player on the fly, comprising the steps of:

accessing a predefined template comprising a basic movie player having track locations and designed to operate at a predetermined connection speed;

applying a set of selected tracks to the track locations of said template; and

saving the player in a place accessible when the player is needed to play content matching the player's connection speed.

However, *Collins-Rector* fails to teach or suggest similar subject matter.

As a preliminary matter, Applicants admit that *Collins-Rector* includes discussion of interactive video from a web page (e.g., a web page that references or invokes a video player. However, although *Collins-Rector's* HTML template includes a frame designated for video (Fig. 2, 31, **video goes here**), *Collins-Rector* fails to teach or suggest a basic video player in a template. Therefore, Applicants respectfully traverse the assertion in the outstanding Office Action that states *Collins-Rector's* use of HTML frames (e.g., *Collins-Rector*, Col. 4, line 5, Fig. 2) reads on or otherwise teaches Applicants claimed template. Applicants respectfully note that the claimed template comprises the basic movie player. However, in *Collins-Rector*, only an HTML page including a frame designated for referencing a player is described. *Collins-Rector* states that the frame so designated includes the video clip (*Collins-Rector*, col. 4, line 8). However, again, *Collins-Rector* does not discuss the video player as being a part of the template (the video clip only being the media, and *Collins-Rector* relies on external players such as Quick Time to display that media).

Applicants admit that *Collins-Rector's* HTML page constructs a frame intended to display movie content (e.g., by linking to a separate player). However, an HTML frame that references an external movie player even though it is intended to display movie content does not constitute a movie player. As claimed in Claim 1, Applicants' template comprises a basic movie player. In contrast, *Collins-Rector* only references a player separate from *Collins-Rector's* HTML page. Further, although a link to a movie player is a standard HTML practice, the inclusion of a movie player itself, such as Quick Time, in an HTML page is not, nor does *Collins-Rector* provide any discussion that suggests the same.

Further, Applicants' claimed invention includes "saving the player in a place accessible when the player is needed to play content matching the player's connection speed." However, saving *Collins-Rector's* HTML of frames (e.g. Fig. 2) in no way saves the player, as the player is an entirely separate program not included in *Collins-Rector's* HTML frames.

Regarding the selection of a connection speed by a user, Applicants admit that selecting a connection speed by a user is known. However, Applicants claimed invention does not provide for a user selection of connection speed. More importantly, selection of a connection speed is normally associated with the bandwidth of a video stream broadcast from a server, but does not imply selection of a particular movie player or accessing the player when needed to play content matching the player's connection speed as claimed. Therefore, Applicants respectfully traverse the Official Notice to the extent it is used to imply selection of a movie player or otherwise teach the claimed invention.

Therefore, Claim 1 recites claim limitations that are not taught or suggested by *Collins-Rector*. Accordingly, Applicants respectfully submit that Claim 1 cannot be considered obvious in view of *Collins-Rector* because *Collins-Rector* fails to teach or suggest subject matter specifically claimed in Claim 1.

Regarding Claim 7, Applicants respectfully traverse the assertion that equates *Collins-Rector's* downloading of a web page framework (*Collins-Rector*, Fig. 2) to Applicants' claimed downloading a master movie to the content viewer. In fact, *Collins-Rector's* web framework is not a master movie. Applicants master movie is described in detail in Applicants specification and is a file that plays in a content viewer, determines connection speed, and calls appropriate content from the server based on the connection speed. However, no such movie is discussed in *Collins-Rector*. Accordingly, Claim 7 is finds further patentable distinction over

the above discussions because *Collins-Rector* fails to teach or suggest a master movie.

Further, Applicants respectfully traverse the assertion that *Collins-Rector* somehow implies matching rich media content to a connection speed of the content viewer. Applicants' understanding of the Official Notice is that it refers to determining the speed of a connection between a client and a server, not the speed of a content player as claimed.

Regarding Claim 8, Applicants respectfully traverse the assertion that equates the Official Notice of connection speed determination to "reading a profile on a host machine used by the content viewer." In fact, even if a user query determines connection speed, the same does not lend itself or suggest reading a profile to determine the connection speed. Finally, nowhere in *Collins-Rector* is a master movie taught or suggested, let alone a master movie that reads a profile on a host machine. Accordingly, Claim 8 finds further patentable distinction over the above discussions because *Collins-Rector* fails to teach or suggest a master movie and/or a master movie reading a profile on a host machine.

For the sake of argument, even if selecting a connection speed were equated to being a player designed to operate at a predetermined connection speed, *Collins-Rector* still fails to suggest the claimed invention because the claimed invention is to the combination of a template comprising the basic movie player that is saved in an accessible location (place). However, in *Collins-Rector*, the HTML frames and movie player are not combined and not saved together.

Therefore, Applicants respectfully submit that Claim 8 finds further patentable distinction over *Collins-Rector*. Accordingly, Applicants respectfully submit that Claim 8 is also patentable.

Applicants respectfully traverse the rejection of Claim 11 under 35 USC 103(a) as being unpatentable over Collins-Rector in view of Chang. Claim 11 recites:

11. (Amended) A device for serving rich media content to a content viewer, comprising:

an application server having,

a first user interface program configured to retrieve assets and any of tracks for logos, patterns, backgrounds, control buttons, accessory links, features, bookmarks, QTVR from a supplier; and

a player application configured to build a player device using the supplier supplied tracks;

a web server ~~for serving~~ configured to serve a player built by said player application; and

a streaming server configured to stream content requested by a content viewer to be viewed by the player built by said player application;

wherein the player served by the web server is selected from a plurality of different speed but similarly configured players based on a master movie request from a recipient user device to which the stream content is served.

However, Collins-Rector and Chang fail to teach or suggest similar subject matter.

In particular, Applicants respectfully note that Claim 11 recites a player application that includes tracks. However, both Collins-Rector and Chang operate on HTML pages that reference external movie players such as QuickTime (Collins-Rector, supra, Chang, col. 2, line 39). Further, as claimed, Applicants' tracks are part of the movie player, however, in Chang (and other links that might be considered tracks in Collins-Rector) merely refer to other frames in an HTML page

(e.g., Chang, col. 8, lines 30-31). Applicants admit that the end result of Chang would produce an HTML page and accompanying reference movie player that would appear functionally similar to Applicant's claimed invention, however, the mechanics and construction behind preparation and presentation of the movie and one or more tracks is entirely different (e.g., referencing an existing movie player as compared to wrapping the movie player in a template and serving it to a recipient user device).

Further, Applicants respectfully note that Claim 11 includes "... wherein the player served is selected from a plurality of different speed but similarly configured players based on a master movie request from a recipient user device to which the stream content is served." However, neither Collins-Rector nor Chang suggest a master movie that makes a request to select a specific movie player from a plurality of different speed but similarly configured movie players. Accordingly, Applicants respectfully submit that Claim 11 cannot be considered obvious over Collins-Rector and Chang.

Applicants respectfully traverse the rejection of Claim 16 under 35 USC 103(a) as being unpatentable over Collins-Rector in view of Chang. Claim 16 recites:

16. (Original) A method of producing a rich media player on the fly, comprising the steps of:

accessing a predefined template comprising a basic movie player having track locations and designed to operate a predetermined connection speed;

applying a set of supplier selected tracks to the track locations of said template;

applying a set of user/e-tailer selected tracks to the track locations of said template; and

saving the player in a place accessible when the player is needed to play content matching the player's connection speed;

wherein:

at least one of the track locations of said template is at least one of a promotional track location or a track location that may be used as a promotional track location;

at least one of said supplier and user/e-tailer selected tracks is a promotional track; and

*said method further comprises the steps of,
placing said promotional track in said promotional track location;*

receiving a page or other asset to associate with said promotional track; and

linking said promotional track with said page or other asset.

However, Collins-Rector fails to teach or suggest similar subject matter.

Applicants respectfully note that Claim 16 is based on technology that includes a predefined template comprising a basic movie player. However, each of the cited references only discuss HTML pages that reference movie players (e.g., Quicktime) that are external to the template. In contrast, in Claim 16, the movie player is part of the template (Claim 16: "...template comprising a basic movie player"), and not merely a reference to (or data to be played by) a movie player. Accordingly, Applicants respectfully submit that Claim 16 is patentable over the cited references.

Applicants respectfully traverse the rejection of Claim 17 under 35 USC 103(a) as being unpatentable over Collins-Rector in view of Chang. Claim 17 recites:

17. (Original) A method of producing a rich media player on the fly, comprising the steps of:

accessing a predefined template comprising a basic movie player having track locations and designed to operate a predetermined connection speed;

applying a set of supplier selected tracks to the track locations of said template;

applying a set of user/e-tailer selected tracks to the track locations of said template; and

saving the player in a place accessible when the player is needed to play content matching the player's connection speed;

wherein:

at least one of the track locations of said template is at least one of a promotional track location or a track location that may be used as a promotional track location;

at least one of said supplier and user/e-tailer selected tracks is a promotional track;

said method further comprises the steps of,

placing said promotional track in said promotional track location;

receiving a page or other asset to associate with said promotional track; and

linking said promotional track with said page or other asset.

However, Collins-Rector fails to teach or suggest similar subject matter.

Applicants respectfully note that Claim 17 is based on technology that includes a predefined template comprising a basic movie player. However, each of the cited references only discuss HTML pages that reference movie players (e.g., Quicktime) that are external to the template. In contrast, in Claim 17, the

movie player is part of the template (Claim 17: "... predefined template comprising a basic movie player"), and not merely a reference to (or data to be played by) a movie player. Accordingly, Applicants respectfully submit that Claim 17 is patentable over the cited references.

Further, Applicants respectfully note that the amended Claim 17 further comprises the step of: "repeating the steps of accessing, applying a set of supplier tracks, applying a set of user/e-tailer tracks, and saving for each of a plurality of connection speeds;" and "serving a selected one of the players based on a master movie request received from a user's content player." However, neither Collins-Rector nor Chang teach or suggest a similar structure for providing players in a template with e-tailer and/or supplier selected tracks. Accordingly, Applicants respectfully submit that Claim 17 is patentable over Collins-Rector and Chang.

Applicants respectfully traverse the rejection of Claim 18 under 35 USC 103(a) as being unpatentable over Collins-Rector in view of Chang. Claim 18 recites:

18. (Amended) A method of producing a rich media player on the fly, comprising the steps of:

accessing a predefined template comprising a basic movie player having track locations and designed to operate at a predetermined connection speed;

applying a set of supplier selected tracks to the track locations of said template;

applying a set of user/e-tailer selected tracks to the track locations of said template; and

saving the player in a place accessible when the player is needed to play content matching the player's connection speed; and

selecting a player constructed using the above steps of accessing, applying a set of supplier tracks, applying a set of user/e-

tailer tracks, and saving after receipt of a syndicated link request at an application server different from servers of the e-tailers and suppliers;

wherein:

the above steps of accessing, applying a set of supplier tracks, applying a set of user/e-tailer tracks, and saving are initiated after receipt of the syndicated link request;

the syndicated link request being based on invocation of a syndicated link distributed to a plurality of e-tailers and embedded in web pages of the e-tailers' prior to being invoked by a consumer;

at least one of the track locations of said template is at least one of a promotional track location or a track location that may be used as a promotional track location;

at least one of said supplier and user/e-tailer selected tracks is a promotional track; and

said method further comprises the steps of,

placing said promotional track in said promotional track location;

receiving a page or other asset to associate with said promotional track;

linking said promotional track with said page or other asset;

at least one of said track location is a buy button track location; and

said method still further comprises the steps of,

applying a buy button track to said buy button track location, and

linking a back end application configured to add an item to a content viewer's shopping cart to said buy button track.

However, Collins-Rector fails to teach or suggest similar subject matter.

Applicants respectfully note that Claim 18 is based on technology that includes a predefined template comprising a basic movie player. However, each of the cited references only discuss HTML pages that reference movie players (e.g., QuickTime) that are external to the template. In contrast, in Claim 16, the movie player is part of the template (Claim 18: "...template comprising a basic movie player"), and not merely a reference to (or data to be played by) a movie player. Accordingly, Applicants respectfully submit that Claim 18 is patentable over the cited references.

Applicants respectfully submit new independent Claim 27 which recites:

27. (New) A method, comprising the steps of:
receiving a rich media request from an end user computer system via a syndicated link;
building a master movie based on the rich media request;
uploading the master movie to the end user computer system;
building a plurality of movie players each constructed for different predetermined connection speeds;
receiving a connection speed request from the uploaded master movie;
selecting one of the plurality of movie players matching the received connection speed;
uploading the selected movie player to the end user computer system; and
serving the requested rich media to the uploaded movie player.

However, the cited references fail to teach or suggest similar subject matter.

Applicants respectfully note that Claim 27 builds both a mater movie and plural movie players on the fly after receipt of rich media request. One of the

movie players is selected based on a connection speed request made by the master movie. However, neither Collins-Rector nor Chang teach or suggest similar subject matter. Accordingly, Applicants respectfully submit that Claim 27 is patentable over the cited references.

Based on the patentability of independent Claims 1, 11, 16, 17, 18, and 27, Applicants further respectfully submit that dependent Claims 2-10, 12-15, 19-26, and 28-35 are also patentable.

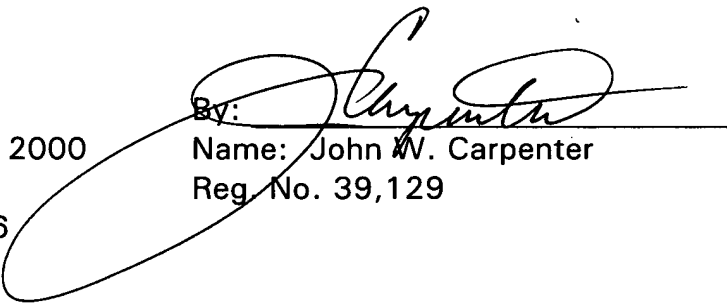
Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

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In the Drawings:

The attached changed drawing sheet of Fig. 8A replaces the original Fig. 8A. Accompanying the Replacement Drawing is an annotated marked-up drawing which shows the change made to the original drawing.

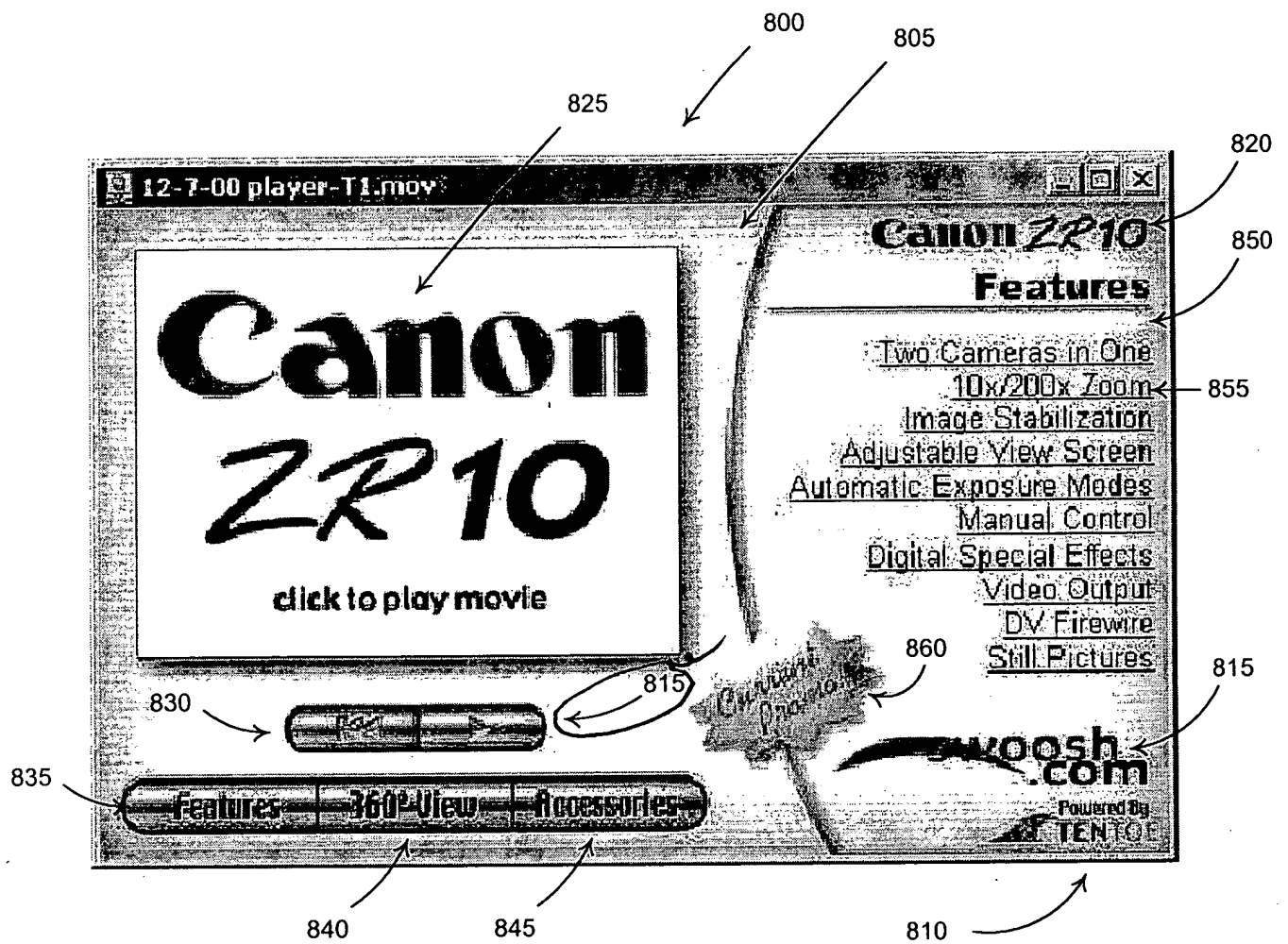


Fig. 8A